

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NATIONAL CREDIT ADJUSTERS, LLC,

Plaintiff,

COURT FILE NO.: 1:15-cv-00861

v.

CRED X DEBT RECOVERY, LLC,
JAMES SAUER, JEFFREY SCHULTZ,
RICHARD SCHULTZ, AND JOHN
DOES 1-10

Defendants.

RESPONSE TO ORDER TO SHOW CAUSE

Plaintiff National Credit Adjusters, LLC, by and through the undersigned counsel, responds to the court's Order to Show Cause as follows:

1. Since the last record activity in this matter, the undersigned engaged in extensive settlement negotiations with Mr. Michael Benson who was serving as counsel for Defendants Cred X Debt Recovery, LLC and James Sauer.

2. We agreed upon settlement terms and settlement documents were drafted. However, Mr. Sauer only executed some of the documents and did not sign the Confession of Judgment which was part of the terms in case of default.

3. Instead, Mr. Benson sought to amend the settlement terms, and further negotiations ensued. However, the parties have not agreed upon any amendment.

4. Accordingly, the parties are now at an impasse and Plaintiff wishes to proceed with filing a Motion for Default Judgment.

5. In further consideration of why this case should not be dismissed for lack of prosecution, the undersigned advises the court that he has been rather ill over the last couple of months. This illness has made him unable to work for days at a time and resulted in weight loss of over 15 pounds. The undersigned has been under a doctor's care and is returning to work full time, but requires time to bring his cases current. He is a solo practitioner with no other attorney to assist with his case load.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court keep this matter active and open for the filing of a Motion for Default Judgment.

Respectfully submitted,

s/ David G. Peltan
David G. Peltan, Esq.
Attorney for Plaintiff National Credit Adjusters, LLC
Peltan Law, PLLC
128 Church Street
East Aurora, NY 14052
(716) 374-5431
davidpeltan@peltanlaw.com

CERTIFICATE OF SERVICE

I hereby certify that December 5, 2017, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system. Further, copies have been sent to Defendants via U.S. Mail to the addresses where they were served with their Summonses and to Mr. Michael Benson via email.

And, I hereby certify that, to the best of my knowledge and information, there are no other participants on this case requiring service by any means.

s/ David G. Peltan
David G. Peltan, Esq.
Attorney for Plaintiff National Credit Adjusters, LLC